

Town Council Regular Meeting
Town of Paonia, Colorado
January 24, 2012

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, January 24, 2012 was called to order at 7:08 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Corinne Ferguson, Sid Lewis, Brian Ayers, and David Weber; Scott Leon; Travis Loberg; Attorney James Briscoe; and Town Clerk Barbara Peterson. Trustees Blake Kinser and Lucien Pevac were absent.

Mayor Schwieterman determined a quorum was present and proceeded with the meeting.

Approval of Agenda

Mayor Schwieterman noted the Elementary School is not available for the update and suggested removing it from the agenda. Trustee Weber moved to approve the agenda as amended. Trustee Lewis seconded and the motion passed unanimously.

Announcements

- Mayor Schwieterman noted this is a long agenda and to please limit comments to three (3) minutes.

Paonia High School (PHS) Update

Adrian Lopez was present. The Student Council representative announced the following:

- Both girls and boys basketball teams are playing very well.
- School has installed new carpeting and the students have painted the bathrooms with new countertops. A camera was installed in the gym which feeds live footage into the commons.
- A food drive was accomplished to restock the American Legion pantry.
- Honor roll students were celebrated with root beer floats. 150 students in both the junior and senior high schools were on the first semester honor roll with 3.3 GPA's or higher.
- Peewee wrestling has started with 30 participants.
- Several seniors have received scholarships, including one with a full scholarship to Mesa and another won the regional Daughters of the American Revolution scholarship.
- There is a new foreign exchange student from South Korea, as well as the existing ones from Holland and Germany.

Visitors

- None

Unfinished Business

BLM Proposed Lease Parcels – Comment Letter

A draft letter opposing certain nominated parcels for oil and gas leases was submitted to Council who provided minor changes. After brief discussion, Trustee Weber moved to approve the letter as amended. Trustee Lewis seconded and the motion passed with an abstention from Trustee Ayers.

Bear Ranch - Land Exchange

There was a public meeting on January 11, 2012 where comments are summarized in the minutes. Mayor Schwieterman noted that Council will not be taking public comments this evening. All letters that were submitted have been made available for Council review. Mayor Schwieterman noted that Council has gone out of their way to make sure everyone had a voice, which was one of the reasons there was the public hearing. There is no mandate that a position letter be drafted and the mayor holds the opinion that enough difference of opinion exists that to take a stand will alienate a portion of the population. Trustee Lewis felt that the public hearing voiced a definitive point of view and would like a letter sent rejecting the land swap due to the loss of valuable land in our area. Trustee Lewis does not believe that the access road should not be traded in lieu for other parcels. Trustee Weber noted that more people have spoken to him against the land swap than in favor. The land swap does not provide any direct benefit to Paonia. Trustee Weber indicated that decision is going to be made in Washington

and not locally. This valley belongs to us and the access would be closed for the benefit of one person. Trustee Weber moved to write a letter opposing the Bear Ranch land swap. Trustee Lewis seconded. During discussion, Trustee Ayers voiced his concern of losing the access. Trustee Ferguson expressed concern on taking a position that represents the entire town that does not directly affect the health of the town and will create division. Trustee Lewis felt this does directly affect the health of the town and we need to keep the opportunity for a healthy environment. Motion was brought to a vote with Trustees Weber and Lewis voting "aye", Trustees Ferguson and Ayers voting "nay", and mayor Schwieterman breaking the tie by voting "nay".

New Business

McGavin - Annexation

Mayor Schwieterman noted the application, agreement, and memos from Attorney Harper and Planner Davis Farrar. Clerk Peterson read the Planning and Zoning minutes of January 17, 2012. The properties commonly known as 438 Stahl Road and 427 Samuel Wade Road, are currently being served by one (1) West Paonia Domestic water tap, which will be moved to the Town line. The Highway 133 liquor store will be an asset to town and the area falls within the Highway 133 Corridor Master Plan. Because the Town annexed Samuel Wade Road last year, there is a desire to have amenities go out to the highway. Trustee Ferguson noted that Public Works and the Water Committee met with the applicant last year, walked the properties in question and found the annexation to be in the best interest of both parties. A C-2, Residential Commercial Zone best accommodates uses for both properties with the residential use being grandfathered. Trustee Weber moved to approve Ordinance 2012-03. Trustee Ferguson seconded. During discussion, Trustee Lewis moved to amend the motion to approve conditional upon the annexation agreement including the subdivision agreement. Motion was brought to a vote and passed unanimously. Trustee Ferguson moved to zone the McGavin Addition as C-2, Residential Commercial Zone. Trustee Weber seconded. Discussion resulted in the zoning allowing for the grandfathering of the gravel parking lot as for the freestanding sign. Motion was brought to a vote and passed unanimously. Trustee Lewis moved to approve the McGavin minor subdivision as shown on the proposed plat. Trustee Ferguson seconded and the motion passed unanimously.

Galaxy Bike – Sign Variance

Mayor Schwieterman noted this issue began over a year ago with Galaxy Bike requesting a sign permit and the Building Official verbally agreed to size and placement of the sign in a right-of-way, which the Building Official did not have the power to approve. The situation came to the attention of the Town and Attorney Briscoe provided a legal opinion noting that any changes would have to be at the Town's expense. Ross King was charged to evaluate the situation and talk to surrounding businesses and residents in the area for proposed changes. Mr. King submitted a memo with the consensus to not do anything at this time, but to address when the Land Development Regulations (LDR) are updated. Letters from Chris Carrier and Richard Schmidt opposing the special review and a letter from Louis Hayes in favor of the review were read for visitor benefit. Jason Jones, co-owner of Galaxy Bike, noted the process was followed and is taking offense to false accusations by a confrontational Mr. Schmidt. There will be reduction in business if the sign is moved and Mr. Jones feels Mr. Schmidt is acting out a personal vendetta. The right-of-way is maintained by the property owner and feels the appropriate action would be to adhere to new LDR regulations when they are provided. Mr. Kevin Dirk feels that this business is contributing to the downtown core and the Town should be open minded. Mr. Gustavo Brett provided the opinion that the sign is interesting and this process is absurd for a business that is doing well. Michael Meadows, neighbor, thinks the Town should approve the variance and not waste anymore taxpayer time or resources. Mr. Schmidt refutes the accusation that this is a personal vendetta. Mr. Schmidt's issue is that when the sign was installed, it was not in the proper place, then noticing that the permit application was incomplete. Mr. Schmidt asked why Trustee Pevac did not review the application. Regulations are set for fairness for all. Mr. Schmidt believes the Special Review application was more incomplete than the building permit process and maintains that the process is the problem. Ms. Suzanne Watson not understand the "hardship" in moving the sign as it seems obvious with all the bikes lined up on the property. It does not seem fair to compare the sign with trees in the right-of-ways. Ms. Watson realizes this is a small town and feels special exceptions for friends. Trustee Weber faults the mayor for the staff time and lawyer expense in what should have been a simple executive decision. Trustee Weber thinks there are four (4) variances in this request: 1) the freestanding nature of the sign (not allowed in C-1 zone), 2) size of the sign, 3) the fact there is another awning sign on the property, and 4) the sign is in the right-of-way. Trustee Weber did research and having a sign in the right-of-way is forbidden in almost all the towns reviewed and it should have been placed next to the sidewalk. Trustee Lewis recalled that it came down to negotiation and the Town and owners should work to resolve. After further discussion regarding the timeline, Trustee Weber moved to approve the special review for a freestanding sign in its current size, as well as the awning sign and for the freestanding sign to be relocated out of the right-of-way onto private property at the Town expense. Trustee Lewis seconded and the motion passed unanimously.

Louie's Pizza – Liquor License Renewal

Louie's Pizza is requesting a beer and wine liquor license renewal for the business located at 202 Grand Avenue. Chief Leon reported no negative reports. Trustee Ferguson moved to approve Louie's Pizza liquor license renewal as presented. Trustee Ayers seconded and the motion passed unanimously.

North Fork Vision 2020 – Orton Foundation Award Agreement

Elaine Brett gave a brief update on the Orton Foundation Heart and Soul community planning and noted that the partnership agreement will need to be signed. Information obtained by the Heart and Soul process will contribute to the Town's Master Plan process. Ms. Brett suggested that language be crafted specific to Paonia for the agreement. Attorney Briscoe reviewed the agreement template and thinks the Board of Trustees need to determine what the Town is willing to commit and define what types of services could be provided for in-kind donations. Ms. Brett noted a paid coordinator and the hiring process is being completed via the Advisory Committee. Each municipality would be contractually committed for the two-year process. Clerk Peterson noted Paonia has already committed \$2,000 in the 2012 budget and office support. Trustee Weber moved to table this for legal review. Trustee Ferguson seconded and the motion passed unanimously.

Region 10 – Appointments

Region 10 is requesting appointments to the Region 10 Board and the Gunnison Valley Transportation Region Committee. Trustee Lewis is interested in remaining on the transportation committee. Mayor Schwieterman reappointed Trustee Lewis for the transportation committee and no-one was appointed for the Region 10 Board.

Paonia Junior/Senior High School – Great Outdoors Colorado (GOCO) Partnership Request

Principal Randal Palmer is requesting a partnership with the Town of Paonia for a GOCO planning grant for a new sport complex at the Paonia Jr./Sr. High School. During discussion, it was noted that having track meets and other sports attended in Paonia provides an economic factor that Paonia is lacking. The GOCO grant funding cycle is coming and the high school is requesting a planning grant to better utilize the property. Clerk Peterson noted that the Apple Valley Renovation project is also being resubmitted at the same time and is concerned about competing for funds. Planning grants at GOCO are review separately from construction grants. Trustee Lewis moved to work with Paonia High School in applying for a GOCO planning grant for the sport complex. Trustee Ferguson seconded and the motion passed unanimously.

Additional Business

Mayor's Report: Mayor Schwieterman reported Dorien Bethune has been experiencing problems with her roof. After discussions with the Building Official and Attorney Briscoe, this matter has been referred to CIRSA. Tim Hinz, Building Official, has submitted both a year end report and a letter of resignation. Chad Gartman is close to completing his certification. The position was advertised in-house and the position is open until January 31, 2012. The February 14, 2012 Council meeting is being canceled due to the number of Trustees being out of town during winter break. The Town is hoping to provide a press release in the next few days regarding the Finance Officer.

Public Works: Public Works Director Loberg reported four (4) plows that needed repairs. DMEA rescheduled the taking down of the holiday banners to next week.

Police Report: Chief Leon reported a burglary at a vacant residence. The incident is under investigation. Chief Leon reminded citizens to lock their doors.

Finance Committee Report: Trustee Pevac had nothing to report.

Parks Committee Report: Trustee Lewis had nothing to report.

Public Safety Committee Report: Trustee Ayers had nothing to report.

Street Committee Report: Trustee Ferguson had nothing to report.

Water/Sewer Committee Report: Trustee Ferguson reported work continues on the water ordinance. Public input and attendance is welcome.

Personnel Committee Report: Trustee Weber noted an ad is being published for a bookkeeper.

Minutes:

Corrections noted. Trustee Ferguson moved to approve the minutes of January 10, 2012 as amended. Trustee Lewis seconded and the motion passed unanimously. Corrections submitted for the minutes of January 11, 2012. Trustee Lewis moved to approve the minutes of January 11, 2012 as amended. Trustee Ferguson seconded and the motion passed with abstentions from Trustees Weber, Ferguson and Ayers.

Disbursements:

Trustee Pevec moved to pay the bills ending January 24, 2012, including Rocky Mountain HMO and the retirement invoice. Trustee Ferguson seconded, and the motion passed unanimously.

9:29 p.m. Meeting adjourned.

Mayor, Neal Schwieterman

Town Clerk, Barbara J. Peterson